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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,201	08/27/2001	E-Chain Cheng	62005-1880	4908

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EXAMINER

ABRISHAMKAR, KAVEH

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/940,201	Applicant(s) CHENG, E-CHAIN	
	Examiner Kaveh Abrishamkar	Art Unit 2131	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment filed on January 3, 2005. Claims 1-7 were originally received for consideration. Per the received amendment, claims 1, 3, 4, 6 are amended, and claim 5 was cancelled. Claims 1-4, and 6-7 are currently being considered.

### ***Response to Arguments***

2. Applicant's arguments filed on January 3, 2005 have been fully considered but are not persuasive for the following reasons:

Regarding amended claim 1, the applicant argues that the cited prior art (Kanevsky et al. U.S. Patent No. 5,774,525) does not teach using information stored in the database to calculate other formal properties, which are then used to generate another question. This argument is not found persuasive. The CPA teaches "the questions generated by the Q&A module typically comprise a string of words and/or numbers that may be related to previous questions or related to answers to previous questions" (column 5 lines 57-65). Furthermore, the CPA teaches "the Q&A module includes a semantic machine that generates questions according to algorithms that define a relationship

between the formal properties of entries" (column 6 lines 34-38). Furthermore, the CPA teaches a method of using information in a database and formulating inferential questions by "linking two or more pieces of information in formulating a question" (column 7 lines 40-43). Therefore the inferential method of generating questions is disclosed by the CPA. Furthermore, the applicant argues that the CPA does not teach using an "astrological based technique for calculating the solution to a generated inferential question." The astrological based technique identified in amended claim 1, is not properly explained or disclosed in the specification or in the claims to warrant a full-consideration. However, it is believed that the CPA does disclose the use of a multitude of algorithms to generate multifarious questions which can include using the astrological based technique. The CPA discloses "the Q&A module may generate questions that pertain to the relative attributes of dynamic properties" (column 7 lines 55-65). Furthermore, the CPA discloses that "the Q&A module may utilize a variety of techniques to interpret the responses to the questions" (column 8 lines 8-13), which can include an astrological based technique.

Therefore, the examiner respectfully asserts that the cited prior art does teach the subject matter as amended in the claims. The rejection for claims 1-4, and 6-7 are is given below.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Claim 1 states that a solution is calculated by "an astrological based technique" which is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The specification merely mentions, "the inferential transfer utilizes a portion of the private information and statistical information to develop the questions in accordance with being divined by the Eight Diagrams or astrology." This mention of astrology does not disclose an "astrology based technique" and it is unclear how this "astrological based technique" is used to formulate the solutions disclosed in claim 1.

4. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Claim 1 states that a solution is calculated by "an eight diagram basis technique" which is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The specification merely mentions, "the inferential transfer utilizes a portion of the private information and statistical information to develop the questions in accordance with being divined by the Eight Diagrams or astrology." This mention of "eight diagrams" does not disclose an "eight diagram based technique" and it is unclear how this "eight diagram based technique" is used to formulate the solutions disclosed in claim 4.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 2 recites the limitation "private information" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 1, on which claim 2 depends, does not have any mention of "private information," but for the sake of examination the "private information" has been interpreted to mean "user information."

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanevsky et al. (U.S. Patent 5,774,525).

Regarding claim 1, Kanevsky discloses:

An intelligent identifying method for allowing access to a computer file, the method comprising the following steps:

- obtaining a user's information to be stored (column 2 line 66 – column 3 line 15);
- designing multiple question databases in accordance with the user's information

by a means of transferring, and designing solutions corresponding to each question being stored in a solution database, wherein the means of transferring includes an inferential method that the user's information is designed to generate at least one

inferential question, whose solution is calculated by an astrological based technique (column 4 lines 38 – 46, column 5 lines 57-65, column 7 lines 40-43, column 8 lines 8-13);

posing a series of questions selected from the question databases to the user, and collecting answers from the user (column 5 lines 31 – column 6 line 10);

checking correctness of the answers in accordance with the solution database (column 5 lines 52 – 56, column 7 line 65 – column 8 line 7); and

examining identity of the user in accordance to the correctness of the answers (column 2 lines 20 – 23, column 9 lines 8 – 25, column 10 lines 50 – 58).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Kanevsky discloses:

The method as claimed in claim 1, wherein the private information comprises address, age, job, blood type, telephone number, birthday and a prior-consumption data of the user (column 5 line 32 – column 6 line 10).

Claim 7 is rejected as applied above in rejecting claim 1. Furthermore, Kanevsky discloses:

The method as claimed in claim 1, wherein the series of questions are classified into multiple posing types including "Multiple-choice", "Yes Or No", and "Dialog" types (column 5 line 32 – column 6 line 10).

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Claim 3 is rejected as applied above in rejecting claim 2. Furthermore, Kanevsky discloses:

The method as claimed in claim 2, wherein the means of transferring is a direct transferring method that the user's information is designed directly to at least one direct question, whose solution is rested on the user's information (column 5 line 32 – column 6 line 10).

Claim 4 is rejected as applied above in rejecting claim 2. Furthermore, Kanevsky discloses:

The method as claimed in claim 2, wherein the means of transferring further comprises an inferential method that the user's information is designed to relate to least one inferential question, whose solution is calculated by an eight diagram technique (column 7 lines 33 – 64).

Claim 6 is rejected as applied above in rejecting claim 2. Furthermore, Kanevsky discloses:

The method as claimed in claim 2, wherein the means of transferring is a consuming method that the prior-consumption data is designed to at least one consumption question, whose solution is rested on the prior-consumption data of the user's information (column 7 lines 33 – 64).



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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04/25/05

  
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